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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of _____ Inventor(s)
for _____ Title of invention

OR

In re application of: Karen Luke et al.

Application No.: 0 10 / 686,098

Group Art Unit: 1755

Filed: October 15, 2003

Examiner: unknown

For: Zeolite-Containing Cementing Compositions

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
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* Only the date of filing (§ 1.8) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(p). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.8(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: 37 C.F.R. 1.88(b):

- (1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.
- (2) Each U.S. patent application publication listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.
- (3) Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.
- (4) Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.
- (5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.

WARNING: No extension of time can be had under 37 C.F.R. § 1.136 (n) or (b) for filing an IDS. 37 C.F.R. § 1.87(b).

NOTE: The "filing date of a national application" under 37 C.F.R. § 1.87(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.51(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.87(b)(1). On the other hand, an International application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.484 or § 1.485. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the International application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 18, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the International preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.87(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an International application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.87(b).

NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1988 (1138 O.G. 37-41, 38). See also § 608, M.P.E.P., 8th Edition.

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1988 (1138 O.G. 37-41, 38).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(b)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1998 (1138 O.G. 37-41, 38).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.87 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1998 (1141 O.G. 63). But see § 108(b) and (c), Limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.



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(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [§ 1.3]—page 3 of 3)



PATENT
HES 2000-IP-002115U1P2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

SIR:

The following documents are known to Applicants or Applicants' attorneys and are submitted for the Examiner to consider in the above-captioned application.

U. S. PATENTS

U.S. Patent No. 5,626,665 issued May 6, 1997 to Gregory S. Barger et al

U.S. Patent No. 5,788,762 issued August 4, 1998 to Gregory S. Barger et al.

U.S. Patent No. 6,409,819 B1 issued June 25, 2002 to Suz-Chung Ko.

U.S. Patent No. 6,572,698 B1 issued June 3, 2003 to Suz-Chung Ko.

U.S. Patent No. 6,645,289 B2 issued November 11, 2003 to Konstantinov et al.

UNITED STATES PATENT APPLICATION PUBLICATIONS

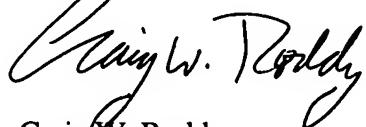
United States Patent Application Publication No. US 2004/0188091 A1 published on September 16, 2004.

September 30, 2004 to Karen Lujan et al.

United States Patent Application Publication No. US 2004/0188092 A1 published
September 30, 2004.

Form PTO-1449 is submitted herewith.

Respectfully submitted,



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FORM PTO-1449 (Modified)		ATTY. DOCKET NO. 2000-IP-002115U1P2	SERIAL NO. 10/686,098
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT		APPLICANT Karen Luke et al.	
(Use several sheets if necessary)		FILING DATE October 15, 2003	GROUP 1755

OCT 26 2004

U. S. PATENT DOCUMENTS

EXAMINER INITIAL	Document No.	Date	Name	Class	Subclass	Filing Date if Appropriate
AA	5,626,665	05/06/97	Barger et al.	106	706	
AB	5,788,762	08/04/98	Barger et al.	106	706	
AC	6,409,819 B1	06/25/02	Ko	106	707	
AD	6,572,698 B1	06/03/03	Ko	106	772	
AE	6,645,289 B2	11/11/03	Sobolev et al.	106	705	
AF	US 2004/0188091	09/30/04	Luke et al.	166	291	
AG	US 2004/0188092	09/30/04	Luke et al.	166	291	
AH						
AI						
AJ						
AK						
AL						

FOREIGN PATENT DOCUMENTS

	Document No.	Date	Country	Class	Subclass	Translation
						Yes
AM						
AN						
AO						
AP						
AQ						

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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AS		
AT		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.